

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JONATHAN ALFONSO,

Petitioner,

v.

DANIEL MANTUSCELLO,

Respondent.
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16-CV-9399 (LAP)

ORDER ADOPTING REPORT
AND RECOMMENDATION

Loretta A. Preska, Senior United States District Judge:

Petitioner Jonathan Alfonso, proceeding pro se, filed a petition to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2254 on December 5, 2016. (Mot., Dec. 5, 2016, ECF No. 2). Before the Court is the Report and Recommendation ("R&R") of United States Magistrate Judge Sarah Netburn, issued on April 26, 2017. (R&R, Apr. 26, 2017, ECF No. 14). Copies of the R&R were mailed to Petitioner. (R&R at 7).

The R&R advised the parties that specific written objections were due within thirty days after being served with the R&R. (R&R at 7-8). No objections to the R&R have been filed to date by any party and the time to do so has expired.

For the purposes of this order, the Court assumes familiarity with the underlying facts and analysis as set forth in Magistrate Judge Netburn's R&R. With regard to an R&R that

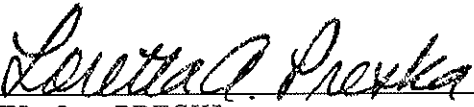
is not objected to, or the unobjected-to portion of an R&R, a district court reviews the R&R for clear error. DiPilato v. 7-Eleven, Inc., 662 F. Supp. 2d 333, 339 (S.D.N.Y. 2009). Because Petitioner has not submitted objections to the R&R, the Court applies the clear error standard.

The Court has carefully reviewed the thorough and well-reasoned R&R and finds that there is no clear error of law. Accordingly, the Court adopts the R&R in its entirety. The petition for a writ of habeas corpus is denied, and the Clerk of the Court is directed to close the case. Because Petitioner has not made a substantial showing of the denial of a federal right, the Court declines to issue a certificate of appealability. 28 U.S.C. § 2253. Furthermore, Petitioner has waived his right to appeal because he has not filed any objections to the R&R. (R&R at 8). The Clerk's Office is directed to mail a copy of this Order to Petitioner at his last known address: Jonathan Alfonso, #13A3003, Eastern C.F., P.O. Box 338, Napanoch, New York, New York 12458, and note service on the docket.

SO ORDERED.

New York, New York

Dated: June 5, 2017



LORETTA A. PRESKA
Senior United States District Judge